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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,181	02/09/2004	Hiroshi Machino	1163-0491P	6757
2292	7590	03/13/2008		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER WEISKOPF, MARIE	
			ART UNIT 3664	PAPER NUMBER
			NOTIFICATION DATE 03/13/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/773,181

**Applicant(s)**

MACHINO, HIROSHI

**Examiner**

MARIE A. WEISKOPF

**Art Unit**

3664

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (US 6,470,266) in view of Inoue et al (US 6,295,503).

- In regard to claim 4, Ito et al discloses a route searching apparatus comprising:
  - A map data acquiring unit for acquiring map data defined by nodes and road links (Column 2, lines 42-44)
  - A route searching unit for searching for and determining a route a destination in consideration of road links corresponding to specific roads including carpool lanes, on which determination of whether or not a vehicle is allowed to travel can be performed according to a condition of the vehicle (Column 3, lines 65 - Column 4, line 3; Column 4, lines 28-32)
  - An output unit for outputting the route searched for by the route searching unit (Column 3, lines 18-20)
  - Wherein the route searching unit searches for the route to the destination while counting road links corresponding to specific roads included in the map data acquired by the map data acquiring unit as targets to be searched for (Column 4, lines 28-32).

Ito et al, however, fails to specifically disclose on the route searching unit prompting a driver of the vehicle of the condition of the vehicle including the number of people in the vehicle prior to displaying the determined route, the user setting the condition of the vehicle, and the route searching unit displaying the determined route or performing a new route search and determined based on the conditions set. Ito et al discloses, as discussed above, determining the shortest path for the vehicle which will include restricted-type roads (Column 4, lines 28-32). Ito et al discusses if a restricted-type road is used in the travel path, the travel guidance is differentiated from the normal one to indicate the restricted-type road and also there is a vocal announcement that the restricted-type road is coming. (Column 6, lines 50-67) Inoue et al discusses urging a message to the user for determining how many passengers are in the vehicle. Upon the determination of how many passengers are in the vehicle, Inoue et al then calculates the route accordingly. (Column 10, lines 54-65) It would have been obvious to one having ordinary skill in the art at the time of the invention to use the message urging and recalculation of the route if the restricted-road requirements are not met as taught by Inoue et al with the invention of Ito et al in order to allow a user to find the shortest possible route and if the shortest possible route includes restricted-type roads to then determine if they can drive on these roads and if not, to find another route.

- In regard to claim 8, Ito et al discloses a route searching apparatus comprising:

- A map data acquiring unit for acquiring map data defined by nodes and road links (Column 2, lines 42-44)
- A route searching unit for searching for and determining a route a destination in consideration of road links corresponding to specific roads including carpool lanes, on which determination of whether or not a vehicle is allowed to travel can be performed according to a condition of the vehicle (Column 3, lines 65 - Column 4, line 3; Column 4, lines 28-32)
- An output unit for outputting the route searched for by the route searching unit (Column 3, lines 18-20)

Ito et al, however, fails to disclose the route searching unit searches for the route excluding the road links included in the map data acquired by the map data acquiring unit and corresponding to the specific roads from targets to be searched, when the searched-for route includes a specific road, the route searching unit outputs a message to urge setting of the condition of the vehicle and if the input to the message doesn't meet the requirements, the route searching unit researches the route excluding the roads that don't meet the requirement. Ito et al, discloses, as discussed above, determining the shortest path for the vehicle which will include restricted-type roads. (Column 4, lines 28-32) Ito et al discusses if a restricted-type road is used in the travel path, the travel guidance is differentiated from the normal one to indicate the restricted-type road and also there is a vocal announcement that the restricted-type road is coming. (Column 6, lines 50-67) Inoue et al discusses urging a message to the

user for determining how many passengers are in the vehicle. Upon the determination of how many passengers are in the vehicle, Inoue et al then calculates the route accordingly. (Column 10, lines 54-65) It would have been obvious to one having ordinary skill in the art at the time of the invention to use the message urging and recalculation of the route if the restricted-road requirements are not met as taught by Inoue et al with the invention of Ito et al in order to allow a user to find the shortest possible route and if the shortest possible route includes restricted-type roads to then determine if they can drive on these roads and if not, to find another route.

***Response to Arguments***

3. Applicant's arguments filed 12/7/07 have been fully considered but they are not persuasive. Applicant claims that Ito et al and Inoue et al fail to teach the claims invention but Examiner respectfully disagrees. Ito et al discloses searching for the shortest route, regardless of the conditions of the vehicle and if that route contains restricted-roads, allowing the user to take appropriate action when reaching these roads. If the user veers off course, meaning they are not authorized to use the road, the route is then recalculated. Inoue et al, however, discloses the driver setting a condition from the beginning of how many passengers are in the vehicle and from there determining the route excluding roads that are restricted type and that the user is not authorized to enter. It would have been predictable to one having ordinary skill in the art to combine these two inventions in order to search for the shortest route first, as taught by Ito, but instead of having the driver determine at the restricted road if they can

enter, urging a message to the user that restricted type roads are found in the route and finding out if the user can use the roads or not before displaying a set route. If not, then providing a new route to the user. Both of these inventions are attempting to find the best route possible for a user and allowing a user to determine if they are authorized to drive on a restricted road and if not, then to provide a new route which is the same as the claimed subject matter.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MARIE A. WEISKOPF** whose telephone number is (571)272-6288. The examiner can normally be reached on **Monday-Thursday** between 7:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MW  
/Khoi H Tran/  
Supervisory Patent Examiner, Art Unit 3664